

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Housing Department – APSHCL – Regularization of services of 71 candidates who were promoted during the year 2002 from the category of Work Inspector / Draughtsman (C) to the post of Assistant Engineer (Housing ) from 2003-04 onwards – Permission – Accorded – Orders – Issued.

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### HOUSING (RH.A1) DEPARTMENT

G.O.Ms.No. 32

Dt.29.10.2009.

Read the following:-

- 1) Govt. Letter No.1635/RH.1/2002-2, dt.20.4.2002.
- 2) From the M.D., APSHCL Lr.No.A4/2957/2002, dt. 6.7.2002.
- 3) Govt. Letter No.1635/RH.1/2002-10, dt. 2.8.2002.
- 4) From the M.D., APSHCL Proceedings Rc.No.A4/2957/2002, dt. 9.8.2002.
- 5) Orders dt. 23.10.2003 of AP High Court in WPMP No.12562/2002 and batch and WPMP No.339 etc./2003.
- 6) From the M.D., APSHCL Lr.No.A4/2957/2002, dt. 20.12.2005.
- 7) From the Telegram dt. 23.12.2005 of AP High Court.
- 8) G.O.Ms.No.144, Fin. (SMPC) Dept., dt. 3.6.2008.
- 9) From the M.D., APSHCL, Lr.No.A4/2957/2002, dt. 25.6.2008.

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### ORDER:

It has been brought to the notice of Government that certain ir-regularities have taken place in the matter of promotion to the posts of Assistant Engineer (Housing) from the category of Work Inspector / Draughtsman and certain particulars were called from the M.D., APSHCL through the reference 1<sup>st</sup> read above. In the reference 2<sup>nd</sup> read above, the M.D., APSHCL confirmed that large scale ir-regularities were committed. They are viz (i) The seniority of W.I.(Tech) and Draughtsman (Civil) has not been prepared in terms of Govt., Letter No.423/RH1/99-1, dated 10.2.1999, (ii) The promotions made to the post of A.Es are not against the clear vacancies of A.Es (iii). The ratio provided in the Service Rules to the Corporation Employees has not been followed and (iv) The vacancies meant for Direct Recruitment have been filled in promotions without obtaining permission from the Government. Therefore, Government issued orders to the M.D., APSHCL to cancel all the orders issued for promotion to the post of A.Es (i.e. 71 and above) from the feeder categories of W.Is / Draughtsman, and to issue Show Cause Notices to the affected parties before cancellation of the orders through the reference 3<sup>rd</sup> read above. Accordingly, the M.D., APSHCL in his Proceedings 4<sup>th</sup> read above, issued Show Cause Notices to all the persons who are promoted and joined as A.Es and also to the persons who are promoted, but not issued posting orders due to non-availability of vacancies, to show cause as to why the promotion orders should not be cancelled. Aggrieved by the said orders, the affected candidates approached the Hon'ble High Court and obtained "Interim Stay" orders viz "not to revert the petitioners from the posts of A.Es".

(p.t.o)

2. In the reference 5<sup>th</sup> read above, the Hon'ble High Court in its orders dated 23.10.2003 in W.P.M.P.Nos 12562/2002 and Batch and W.V.M.P.Nos 339/2003 and batch, among other things, directed the 2<sup>nd</sup> respondent (i.e., Managing Director, AP State Housing Corporation Limited) to issue fresh Show Cause Notices giving better particulars as to the reasons why it proposes cancellation of the promotions within 2 weeks. Within two weeks from the date of receipt by each of the A.Es recipient of such notices (including the W.Ps herein), they are at liberty to submit their objections to the proposals contained in such Show Cause Notice. Within a period of three weeks thereafter, the Corporation shall consider and pass a reasoned order and communicate its decision to the A.Es likely to be affected by any decision taken by the Corporation. In considering objections that may be put forth by the promoted A.Es., the Corporation shall not consider the letter dated 2.8.2002 addressed by the Government to it, as a directive to take a particular decision and the Corporation shall take an independent and appropriate decision on the merits of the situation after considering all the relevant facts and circumstances, including those that might be pointed out by the promoted A.Es.

3. In the reference 6<sup>th</sup> read above, the MD., APSHCL has reported that he issued orders cancelling the promotion orders from the category of Work Inspector(Tech), Draughtsman (C ) to the post of Asst. Engineers which was issued during the month February, 2002 and reverted them as Work Inspector (Tech) / Draughtsman (c ). However, certain affected candidates (i.e., 36) have approached the High Court. In the Telegraphic Order dated 23.12.2005 in WP No.35289/2005 and 27483/2005 filed by the petitioners, the Hon'be Higher Court while directing the Registry to post these WPMP as well as WP together with WPNo.15870/02 before the concerned court on 29-12-2005, ordered that status quo obtaining as on today shall be maintained till 29-12-2005, regarding reverting the petitioners from the post of AEs in case the petitioners have not been relieved as of now. The said W.Ps are still pending in High Court and the candidates are continuing as A.Es.

4. In the reference 9<sup>th</sup> read above, the Managing Director, AP State Housing Corporation Limited, inter-alia, requested the Government to relax the method of Direct Recruitment to the post of Assistant Engineer and to permit him to fillup the posts in HABTECH, as a temporary arrangement as all these posts will be covered in the revised staff strength issued vide G.O.Ms.No.144, Finance (SMPC) Department, dt. 3.6.2008.

5. Government have examined the matter in detail and after careful consideration hereby relax rule relating to the method of direct recruitment to the post of Assistant Engineer in APSHC General Service Rules, 1998 in favour of (71) Work Inspectors / Draughtsman (C ) who were promoted to the post of Assistant Engineer during the year 2002 for the purpose of regularization of their services in the category of Assistant Engineer from the year 2003-04 onwards against the clear vacancies of Assistant Engineers as per the seniority in the cadre

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of Work Inspectors (both Degree and Diploma) / Draughtsman (c ) and the provisions of Service Rules of Corporation Employees, 1998 to the extent of posts meant for direct recruitment, subject to obtaining ir-revocable undertakings from them to withdraw all cases pending before the Hon'ble High Court in this regard and they will not file any Court Cases on this issue in future.

6. The Managing Director, AP State Housing Corporation Limited, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.SAMUEL  
PRINICPAL SECRETARY TO GOVERNMENT**

To  
The Managing Director,  
AP State Housing Corporation Limited, Hyderabad  
Copy to:  
The Government Pleader for Housing , AP High Court, Hyderabad  
SF/SC

**//FORWARDED :: BY ORDER//**

**SECTION OFFICER**